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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,563	05/30/2000	Kevin Peter Picott	1252.1051	1726

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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT PAPER NUMBER

2672

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,563

Applicant(s)

PICOTT, KEVIN PETER

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 1-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is responsive to the following communications: Application, filed on 05/30/2000; IDS, paper #2, filed on 05/30/2000.
2. Claims 1-22 are pending in this application. Claims 1, 17 and 19-22 are independent claims. No claims have yet been amended.
3. The present title of the application is "System for passing algorithms with polymorphic parameter sets in a dependency graph of a graphics creation process" (as originally filed).

### ***Drawings***

4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show computer, keyboard, mouse, and display as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a method, which merely manipulates an abstract idea, which is non-statutory subject matter.

With respect to dependent claim 1, the claim recites “a method of evaluating a dependency graph of a graphics creation process, comprising: passing a function of a first dependency node to a second dependency node; and evaluating the function as a part of an evaluation of the second dependency node.” The disclosed invention has a practical application, e.g., the evaluation of a dependency graph. The disclosed invention is within the technological arts, i.e., the disclosed invention uses a computer-aided design system. However, the steps of the method do not recite any post-computer process activity, i.e., no independent physical acts, and the steps of the method do not recite any pre-computer process activity, i.e., no manipulation of data representing physical objects or activities.

Therefore, in order to determine if the process is statutory, one must determine what the computer does to achieve a practical application. A process that merely manipulates an abstract idea is non-statutory despite the fact that it might inherently have some usefulness. For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea. Examiner finds no limitation to a practical application for the claimed method. As an illustration of the lack of limitation to a particular, practical application, the method claimed by Applicant could be accomplished by mental steps of one of ordinary skill in the art aided by pencil and

paper. The evaluation of a function is merely an abstract idea. The preamble of the claim is given little weight in establishing a statutory claim when there are no elements in the claim limitations into which the preamble could give substantial meaning of a practical limitation. Therefore, when taken as a whole, the claim recites manipulation of an abstract idea. See *In re Schrader*, 22 F.3d 290, 30 USPQ2d 1455 (Fed. Cir. 1994), and *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754.

Claims that are noted above as being rejected but that are not specifically cited below are rejected based on their dependency on rejected independent claims as incorporating the errors of those claims and not imparting any features leading to statutory subject matter.

6. Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a separate or substantive asserted utility or a well established utility.

Claims 1-22 recite "a method of evaluating a dependency graph . . .", the claims recite no pre or post computer activity and therefore constitute an abstract idea.

Claims 21 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a separate asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim 21 claims a data structure comprising an "RTTI parameter list . . .", the contents thereof are unknown and thus rendered vague and indefinite.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al., U.S. Patent Number 6,216,138, "Computer Interface System for Automatically Generating Graphical Representations of Computer Operations Linked together According to Functional Relationships", 04/10/2001, filed on 04/22/1994 class 707/502.

As per independent claim 1, ". . . passing a function of a first dependency node to a second dependency node; and evaluating the function as a part of an evaluation of the second dependency node." Wells discloses in col. 3, lines 13-22, a directed acyclic

graph which has nodes in a GDF which represent analysis operations and is used to remind a user what analysis steps have been performed and provides a record of the data processing steps.

With respect to dependent claim 2, Wells discloses a GDFD which performs data analysis functions and provides a graphic representation of the data analysis process performed, col. 1, lines 64-67.

With respect to dependent claim 3, Wells discloses data sets as two dimensional tabular displays of data values and further discloses that there is a correspondence between the implementation of a selected command and the generating of a new GDFD element along with the graphical representation and functional dependencies, col. 3, lines 36-57.

With respect to dependent claim 4, Wells discloses elements represented by icons in a GDFD graphically linked according to the functional relationships between the GDFD elements, col. 4, lines 40-59.

With respect to dependent claim 5, Wells discloses parsing of the selected command and the calling of the appropriated command function, col. 14, lines 65-67.

With respect to dependent claim 6, Wells discloses a new data set generated from the data contained in an existing data set to obtaining the data for a designated data set, col. 11, lines 53-67.

With respect to dependent claim 7, Wells discloses the data set identified as the dependency graph is executed, figure 5E.

With respect to dependent claim 8, Wells discloses inputs for selecting outputs and inputs of a GDFD, col. 9, lines 7-10.

With respect to dependent claim 9, Wells discloses an adjusted response graph element having data derived from the data contained in a Regdata data set, col. 12, lines 6-27.

With respect to dependent claim 10, Wells discloses a new dataset window that creates a new empty data set with a default name, col. 18, lines 25-28.

With respect to dependent claim 11, GDFD elements represented by icons and adding or deleting elements from the GDFD with links representing the functional relationship, col. 10, lines 42-49.

With respect to dependent claim 12, Wells discloses object associated with a given index, col. 21, line 20.

With respect to dependent claim 13, Wells discloses returning an element if index is within bounds of element array, col. 21, lines 14-23 and further discloses creating a new empty data set with a default name, col. 18, lines 25-28.

With respect to dependent claim 14, Wells discloses a GDFD element type of analysis in which analysis elements along with user parameters are used to perform the statistical analysis package, col. 3, lines 58-67.

With respect to dependent claim 15, Wells discloses a correspondence between the selected command and the generation of a new GDFD element and the functional dependencies between the new GDFD element and existing elements, col. 3, lines 36-48.



With respect to dependent claim 16, Wells disclose a tool palette for making and editing data and further discloses that each column represents a different group or subset of data which may be selected for use in data graphing, col. 9-10, lines 62-67 and 1-4.

As per independent claim 17, Wells discloses a directed acyclic graph that provides a visual presentation of data in a data analysis system. Each node represent elements in the system, such as data sets, analysis operations, and graphs and further allow the data to be stored, retrieved and modified to be used in future data analysis, col. 3, lines 9-23. Wells further discloses a correspondence between the selected command and the generation of a new GDFD element and the functional dependencies between the new GDFD element and existing elements, col. 3, lines 36-48.

With respect to dependent claim 18, Wells disclose a tool palette for making and editing data and further discloses that each column represents a different group or subset of data which may be selected for use in data graphing, col. 9-10, lines 62-67 and 1-4.

As per independent claims 19-20, they are rejected based upon similar rational as above independent claim 1.

As per independent claim 21, it is rejected based upon similar rational as above independent claim 1 and dependent claims 2-16 respectively.

As per independent claim 22, it is rejected based upon similar rational as above independent claim 17.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
August 22, 2002

  
JEFFERY BRIER  
PRIMARY EXAMINER